IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 7077 OF 2004

Karunakar K. Shetty .. Petitioner

versus

Uggarsen N. Punjabi .. Respondent

...

Mr.R.T. Padwal for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 30th August 2004

P.C:-

1. This petition is directed against an interlocutory order and I am not inclined to interfere in the discretion exercised by the trial Court in an interlocutory order.

2. After amendment of the plaint, the defendant was allowed to file additional written statement to the amended plaint. In the additional written statement, the defendant included pleadings which did

not relate to the amended plaint. He obviously could not do so and hence the trial Court has rightly struck off those pleadings in the amended written statement.

3. If the defendant wanted to add those pleadings he should have applied for amendment of his written statement. If such an application is made even now, it would be considered by the trial Court on its own merits.

4. With these observations, petition rejected.

D.G. KARNIK, J